

F r e n t  
Attorney's Docket No. 704627-1114

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Prem S. PAUL et al.	)	Group Art Unit: 1648
	)	
Application No.: 10/618,779	)	Examiner: Myron G. Hill
	)	
Filed: July 15, 2003	)	Confirmation No.: 5988
	)	
For: POLYNUCLEIC ACIDS ISOLATED	)	
FROM A PORCINE	)	
REPRODUCTIVE AND	)	
RESPIRATORY SYNDROME VIRUS	)	
(PRRSV), AND PROTEINS	)	
ENCODED BY THE POLYNUCLEIC	)	
ACIDS	)	

## COMMUNICATION REGARDING DEPOSIT AND REQUESTED INTERFERENCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to Examiner Hill's request to the undersigned in a telephone call on February 15, 2007, Applicants hereby submit that Iowa strain viruses VR 2385 (ISU-12; plaque purified), VR 2386 (ISU-12, not plaque purified), VR 2428 (ISU-51), VR 2429 (ISU-22), VR 2430 (ISU-55), VR 2431 (ISU-3927), VR 2474 (ISU-79), VR 2475 (ISU-1894) and VR 2549 (ISU-28) have been deposited in accordance with the Budapest Treaty. Copies of deposit receipts are submitted herewith. Applicants further submit that these viruses will be irrevocably and without restriction released to the public upon issuance of a patent.

Applicants submit that the claims are now allowable, and respectfully request that the Examiner conduct an interference conference so that the Request for Interference submitted on February 10, 2006 may now be acted upon. Because an interference has been requested,

JAN-28-1994 16:39 FROM VETERINARY ADMINISTRATION TO

- 817034862347 P.02



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301) 231-5520 Telex: 898-085 ATCCNORTH • FAX: 301-770-2551

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Dr. Prem S. Paul  
Veterinary Medical Research Institute  
Iowa State University  
1802 Elwood Drive  
Ames, IA 50011

Deposited on Behalf of: Iowa State University Research Foundation, Inc. (ISURF Ref #1-1592)

Identification Reference by Depositor:

ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus (PRRSV):

ISU-51 - SAH (Plaque Purified)

VR 2429

ISU-22 - SAH (Plaque Purified)

VR 2429

ISU-55 - SAH (Plaque Purified)

VR 2430

ISU-3927-SAH (Plaque Purified)

VR 2431

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description initiated above.The deposits were received September 29, 1993 by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested January 7, 1994. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Date: January 10, 1994

Bobbie A. Brandon, Head, ATCC Patent Depository

cc: Dr. J.P. Lavalleye



# American Type Culture Collection

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## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Prem S. Paul  
Veterinary Medical Research Institute  
Iowa State University  
1802 Elwood Drive  
Ames, IA 50011

Deposited on Behalf of: Iowa State University Foundation, Inc. (ISURF Ref #I-1592)

Identification Reference by Depositor:

ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus (PRRSV):

ISU-12-SAH (Plaque Purified)

VR 2385

ISU-12 (Not Plaque Purified)

VR 2386

The deposits were accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposits were received October 30, 1992 by this International Depository Authority and have been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested November 6, 1992. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Bobbie A. Brandon  
Bobbie A. Brandon, Head, ATCC Patent Depository

Date: November 12, 1992

cc: Dr. J.P. Lavalleye



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 896-055 ATCCNORTH • FAX: 301-706-1177

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Prem S. Paul  
Veterinary Medical Research Institute  
Iowa State University  
1802 Elwood Drive  
Ames, IA 50011

Deposited on Behalf of: Iowa State University Research Foundation, Inc.

Identification Reference by Depositor:

ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus  
(PRRSV), ISU-79-SAH (Plaque Purified)

VR 2474

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received August 31, 1994 by this International Depository Authority and has been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies the depositor's right to receive, or if a U.S. Patent is issued citing the strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested October 28, 1994. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Annette L. Bade, Director, Patent Depository

Date: October 28, 1994



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301)231-5520 Telex: 898-055 ATCCNORTH • FAX: 301-770-1177

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

#### RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Iowa State University  
Attention: Prem S. Paul  
Veterinary Medical Research Institute  
1802 Elwood Drive  
Ames, IA 50011

RECEIVED  
NOV 9 1995  
JACKSONVILLE, FLORIDA  
JACKSONVILLE, FLORIDA

Deposited on Behalf of: Iowa State University Research Foundation, Inc. (ISURF Ref. # 1-1-32)

Identification Reference by Depositor:

ATCC Designation:

Porcine Reproductive and Respiratory Syndrome Virus (PRRSV),  
ISU-1894-SAH(Plaque Purified)

VR 2475

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received August 31, 1994 by this International Depository Authority and has been accepted.

#### AT YOUR REQUEST:

☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies the right to receive, or if a U.S. Patent is issued citing the strain and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested November 16, 1995. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Frank Simione  
Frank Simione, Acting Director, Patent Depository

Date: November 22, 1995

cc: Dr. J.P. Lavalleye



# American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301) 231-5520 Telex: 908-768 ATCCROVE • FAX: 301-596-3666

## BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

### INTERNATIONAL FORM

RECEIVED IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Iowa State University Research Foundation  
Attn: Prem S. Paul  
Veterinary Medical Research Institute  
1802 Elwood Drive  
Ames, Iowa 50011

Deposited on Behalf of: Iowa State University Research Foundation (Ref. #ISURF #I-1592)

Identification Reference by Depositor: ATCC Designation

Porcine Reproductive and Respiratory Syndrome Virus ISU-28 VR-2549  
(Plaque Purified)

The deposit was accompanied by: ☐ a scientific description ☐ a proposed taxonomic description indicated above.

The deposit was received December 11, 1996 by this International Depository Authority and has been accepted.

AT YOUR REQUEST: ☒ We will inform you of requests for the strain for 30 years.

The strain will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strain, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strain.

If the culture should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace it with living culture of the same.

The strain will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the culture cited above was tested January 6, 1997. On that date, the culture was viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey  
Barbara M. Hailey, Administrator, Patent Depository

Date: January 7, 1997

cc: Dr. J.P. Lavallee

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